

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MIDLAND NATIONAL LIFE INSURANCE
COMPANY,

3:11-CV-00957-JE

Plaintiff,

ORDER

v.

DEBRA K. LACHELN, formerly known
as DEBRA KIM PAINTER, AMY EILEEN
PAINTER, and THE ESTATE OF RALPH
ARTHUR PAINTER,

Defendant.

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Painter and the Estate of Ralph Arthur
Painter

BROWN, Judge.

Magistrate Judge John Jelderks issued Findings and Recommendation (#55) on October 3, 2012, recommending the Court grant Defendant Estate of Ralph Painter's Motion (#32) for Summary Judgment and deny Defendant Debra Lacheln's Cross-Motion (#34) for Summary Judgment.

Defendant Lacheln filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988).

This Court has reviewed the record *de novo*, including Defendant Lacheln's Objections, and concludes Plaintiff's Objections do not provide a basis to modify the Magistrate Judge's Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Jelderks's Findings and Recommendation (#55). Accordingly, the Court **GRANTS** Defendant Estate of Ralph Painter's Motion (#32) for Summary Judgment and **DENIES** Defendant Debra Lacheln's Cross-Motion (#34) for Summary Judgment. The Court also **ORDERS** the death benefit on deposit from Midland National Life Insurance Company to be disbursed to Defendant Lacheln in an amount equal to the spousal support remaining to be paid on the date of Chief Ralph Painter's death and to the Estate of Defendant Ralph Painter in an amount equal

to the remaining balance of that death benefit. The interest accrued on the deposit shall be disbursed to the parties *pro rata*.

IT IS SO ORDERED.

DATED this 11th day of January, 2013.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge